IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19980 of 2004

Between:

Gattu Satyanarayana, S/o. hanumonthu,
R/o. Chendur Village & Mandal, Nalgonda District.

..... PETITIONER

AND

1 Sub Inspector of Police, Chendur Police Station, Nalgonda District.
2 Superintendent of Police, Nalgonda District, Nalgonda.
3 M. Amruthaiah, S/o. Silomin,
Khammagudem, Marriguda Mandal, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an order or direction or writ specially writ of mandamus directing the 1st respondent not to interfere with the petitioners liberty without due process of law in the interest of justice by declaring the action of respondent in interfering with the lawful business of the petitioner as illegal and arbitrary and pass.

Counsel for the Petitioner :MR.M.VENKAT RAM REDDY

Counsel for the Respondents 1 & 2: GP FOR HOME

The Court at the admission stage made the following order :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.19980 OF 2004

ORAL ORDER :

This writ petition is filed seeking a Writ of Mandamus directing the first respondent not to interfere with the personal liberty of the petitioner.

In the affidavit filed in support of the writ petition, it is alleged that the petitioner is the managing partner of M/s.Soujanya Finance & Chit Funds (Regd.), Chendur, Nalgonda District which deals in Auto and general finance business by obtaining necessary licences. While so, the third respondent was sanctioned a loan of Rs.1,40,000/- for purchasing the tractor-cum-trailer bearing No.AP 24 J-1476 & AP 24 J-1477, vide hire purchase agreement dated 31-05-2002, agreeing to repay the

same Rs.8,300/- per month commencing from 30-06-2002 including interest. But, the third respondent paid only a sum of Rs.55,600/- so far and he has to pay the balance of Rs.1,80,345/-. Having become a defaulter, on several demands made by the petitioner firm, the third respondent surrendered the tractor on 10-08-2004 with 'C'-Book and relevant papers with an undertaking that the trailer would be surrendered within a few days. While so, the wife of the third respondent gave a representation to the Hon'ble the Chief Minister of Andhra Pradesh stating that the petitioner firm has forcibly taken away the said tractor. In fact, the third respondent himself surrendered the same including the relevant papers. On the basis of the said complaint, the first respondent unnecessarily has been interfering with the petitioner's lawful business and harassing him stating that unless the relevant documents are returned he would be involved in a criminal case. In the circumstances, he got issued legal notices on 17-08-2004 and 21-08-2004 to the respondents 1 and 2 requesting the 2nd respondent to instruct the first respondent not to harass him, but in vain. Hence, this writ petition.

On behalf of the respondents 1 and 2, the Sub-Inspector of Police, Chendur P.S., Nalgonda District filed a counter-affidavit dated 03-11-2004 denying all the allegations made by the petitioner firm and stating that they never threatened the petitioner and as on date no case has been registered against the petitioner and no complaint has been received against him. The allegation that the petitioner is facing threat to his life from the first respondent, has been specifically denied and it is stated that the first respondent never harassed the petitioner.

In view of what has been stated in the counter-affidavit denying the petitioner's allegations, no adjudication deserves to be made on merits.

Accordingly, recording the statement of the respondents in their counter-affidavit, the Writ Petition is disposed of. No costs.

08th November, 2004.

gbs

To

1 The Sub Inspector of Police, Chendur Police Station, Nalgonda District.
2 The Superintendent of Police, Nalgonda District, Nalgonda.
3.2CCs to G.P. for Home, High Court of AP Bldgs, Hyderabad (OUT).

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